

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :

: NO. 3:11-CR- 212

: VS.

:

: (Judge )

ERNEST MILEWSKI :

Defendant :

)  
**FILED**  
**SCRANTON**

JUL 07 2011

Per \_\_\_\_\_

*[Signature]*  
**DEPUTY CLERK**

INTRODUCTION

1. At all times material to this Indictment, the United Food and Commercial Workers Northeast District Council, 501 East Main Street, Wilkes-Barre, Pennsylvania, hereinafter referred to as UFCW-NDC, was a labor organization engaged in an industry affecting commerce within the meaning of Sections 402(i) and 402(j) of Title 29, United States Code.

2. At all times material to this Indictment, defendant ERNEST MILEWSKI was an officer as that term is defined in Section 402(n) of Title 29, United States Code, that is, President of UFCW-NDC, as well as a member of United Food and Commercial Workers Local 727. He was also directly employed by the UFCW-NDC. In addition, he served as an executive vice president for the United Food and

Commercial Workers, Textile and Garment (TAG) Council and representative for the International UFCW.

3. At all times material to this Indictment, UFCW-NDC maintained the Northeast District Council Health & Welfare Fund, hereinafter referred to as the Fund, to provide health and welfare benefits for the individual members of the UFCW-NDC. The Fund provides medical, surgical, and hospitalization benefits, among other benefits, to Fund participants, and is thus a "health care benefit program" within the meaning of Title 18, United States Code, Section 24(b). The Fund maintains contracts with various insurance carriers for the payment of these benefits, the premiums for which are paid out of the Fund.

4. At all times material to this Indictment, and by virtue of his position as President of UFCW-NDC, ERNEST MILEWSKI served as a trustee of the Fund, and as trustee had access to the assets of the Fund.

5. At all times material to this Indictment, the Northeast District Council Health & Welfare Plan maintained the "Health and Welfare Fund," created for the purpose of providing health and welfare benefits for individual members of the UFCW-NDC. The Northeast District Council Health & Welfare Fund has contracts with various insurance carriers to pay health related claims incurred under the terms of the Fund, the premiums of which are paid out of the "Health and Welfare Fund."

THE UNITED STATES CHARGES:

COUNT 1

6. Paragraphs 1 through 5 of the Indictment are incorporated herein as if fully set.
7. From on or about January 1, 2005, and continuing through and including May 15, 2008, in the Middle District of Pennsylvania, and elsewhere,

ERNEST MILEWSKI,  
defendant herein, did embezzle, steal, and unlawfully and willfully abstract and convert to his own use the moneys, funds, securities, property and other assets of UFCW-NDC, said sum constituting unauthorized checks, unauthorized expense reimbursements, and double billing.

In violation of Title 29, United States Code, Section 501(c).

THE UNITED STATES FURTHER CHARGES:

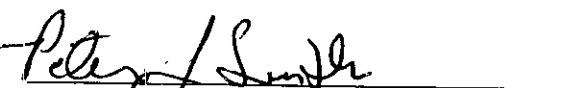
COUNT 2

8. Paragraphs 1 through 5 of the Indictment are incorporated herein as if fully set forth.
9. From on or about January 1, 2005, and continuing through and including May 15, 2008, in the Middle District of Pennsylvania, and elsewhere,

ERNEST MILEWSKI,

defendant herein, did knowingly and willfully embezzle, steal, or otherwise without authority convert to the use of any person other than the rightful owner, or did intentionally misapply any of the moneys, funds, securities, premiums, credits, property and other assets of a health care benefit program, exceeding the sum of \$100, of the Northeast District Council Health and Welfare Fund, a health care benefit program.

In violation of Title 18, United States Code, Section 669.



PETER J. SMITH *By TWD*  
UNITED STATES ATTORNEY

Dated: 7-7-11